



MARICOPA COUNTY, ARIZONA

Board of Adjustment

Minutes

July 15, 2021

CALL TO ORDER:

Chairman Loper called meeting to order at 10:01 a.m.

MEMBERS PRESENT:

Mr. Greg Loper
Mr. Craig Cardon
Ms. Heather Personne
Mr. Jeff Schwartz (left at 11:44 a.m.)
Ms. Fern Ward

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Jose Castañeda, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Ms. Pearl Duran, OET
Mr. David Anderson, Business Engagement Manager, OET

ANNOUNCEMENTS:

Chairman Loper made all standard announcements.

AGENDA ITEMS:

TU2021014, BA2021021, V202000275, V202001428, BA2021009,
BA2021020, BA2021023

APPROVAL OF MINUTES:

May 20, 2021

Chairman Loper asked if there were any changes or comments to the minutes for May 20, none.

BOARD ACTION: Chairman Loper motioned to approve the May 20, 2021 minutes as written.

Mr. Gérard introduced the new Planning and Development director, Mr. Tom Ellsworth.

WITHDRAWN

TU2021014

Fireworks Tent Sale (Cont. from 6/24/21)

District 5

Applicant:

Karen Herman, Red Hot Fireworks

Location:

APN 105-88-020T, generally located at the northwest corner of Baseline Rd. and 27th Ave.

Request:

Temporary Use Permit to allow for:

- 1) Proposed temporary seasonal fireworks tent sale per Maricopa County Zoning Ordinance (MCZO) Article 1302.2.6.

Mr. Gerard said TU2021014 has been withdrawn, no motion required by the Board.

CONSENT AGENDA

BA2021021

Zubia Property (Cont. from 6/24/21)

District 5

Applicant:

Aaron M Wendt, W5 Construction

Location:

APN 104-51-027B @ 2836 S. 70th Ave. in the Phoenix area

Requests:

Variances to permit:

- 1) Proposed lot area of 13,263 sq. ft. where 43,560 sq. ft. is the minimum required per MCZO Article 503.5.1,
- 2) Minimum side yard (south) setback of 7' where 30' is the minimum required per MCZO Article 503.4.2,
- 3) Minimum rear yard (west) setback of 38' where 40' is the minimum required per MCZO Article 503.4.3,
- 4) Minimum side yard (north) setback of 16' where 30' is the minimum required per MCZO Article 503.4.2 and,
- 5) Minimum lot width of 99' where 145' is the minimum required per MCZO Article 503.5.2.

Mr. Gerard presented the consent agenda.

BOARD ACTION: Vice Chair Ward motioned to approve the consent agenda – BA2021021 with conditions 'a'-'e'. Member Schwartz second. Approved 5-0.

- a) Variance approval establishes a lot area of 13,263 sq. ft. for APN 104-51-027B.
- b) Variance approval establishes a 7' side yard (south) setback line for APN 104-51-027B.
- c) Variance approval establishes a 38' rear yard (west) setback line for APN 104-51-027B.
- d) Variance approval establishes a 16' side yard (north) setback line for APN 104-51-027B.
- e) Variance approval establishes a lot width of 99' for APN 104-51-027B.

CODE COMPLIANCE REVIEW

V202000275

Code Compliance Review (Cont. from 5/20/21)

Respondent:

Caroline Trotter

Location:

14155 W. Pennystone Drive, Sun City West, AZ (Parcel 232-15-381)

Request:

Appeal of the Hearing Officer's Order of Judgment

Mr. Charles Hart presented V202000275 and noted the violation is for unshielded landscape lighting. The case was opened February 21, 2020 and staff conducted an inspection on March 4, 2020. The violation was verified. The case went to an administrative hearing March 4, 2021. The Hearing Officer found the respondent responsible for the violation and imposed an initial non-compliance fine and no daily fines. The hearing officer requested the case to stay open for a year with no further violations going forward. He made a finding of fact and reached his

conclusion pursuant to section 1502 of the Maricopa County Zoning Ordinance. The Board can either affirm his decision or remand the decision back to the hearing officer. Staff recommends the Board affirm the hearing officer's decision.

Chairman Loper asked we are not reviewing the facts of the case we are just looking at the procedures. Mr. Hart said yes, that is correct.

Mr. Peck said you either affirm the hearing officer or you remand it back because of a procedural error. You do not get to second guess what the hearing officer decided.

Mr. Steve Simon said he represents Ms. Caroline Trotter and requested Mr. Harold Lind testify. The procedural due process issues is the ex parte communication by the hearing officer Mr. Harold Merkow and the director of Planning and Development, Ms. Jen Pokorski. He informed Ms. Trotter's representative, Mr. Lind that he spoke to Ms. Pokorski about this matter. Mr. Lind was not allowed to question Mr. Hart even though the county attorney, Mr. Peck was allowed to question Mr. Hart. Mr. Merkow's decision added a violation which was not charged in the initial complaint, notice of violation, or in the summons. This violates the respondent's procedural due process rights. Section 1112 is a dark sky ordinance and it does not address lateral surface to surface light transmission. Mr. Merkow's decision misstates the evidence.

Mr. Peck said he objects, what is in the evidence is irrelevant and it's not within the jurisdiction of this board. What the hearing officer has founded has to be taken by you as correct.

Mr. Simon said the departmental inspection shows Ms. Trotter was compliant as the date of the hearing, and the most recent inspection on December 2 showed she was in compliance. Departmental Directive 202004 plainly admits halogen candescent lights are in fact incandescent, but the decision states otherwise. The decision also fails to provide Ms. Trotters halogen incandescent lights with prior non-conforming use status.

Mr. Peck said questioning the evidence is outside the jurisdiction of the board.

Mr. Simon said we believe there were procedural irregularities regarding the November 19, 2020 inspection of Ms. Trotter's property. This was an unannounced inspection of her land without any notice to her where she was unable to address any concerns at that time. This is an ongoing feud with some neighbors and there is no proof or evidence that Ms. Trotter was the one who was redirecting her lights at the adjacent property. None of the photos taken document light trespass as defined by the Departmental Directive which says trespass is defined as casting a shadow on adjacent property. The inspector documented on November 5 she had halogen lighting in place and then on November 15 they issued this Departmental Directive directly related to halogen incandescent lighting. Mr. Merkow plainly admits the directive was designed specifically for Ms. Trotter. This directive is inconsistent with the ordinance, and we believe Ms. Trotters procedural and due process rights have been violated.

Mr. Simon had Mr. Harold Lind testify. Mr. Lind said he has a Bachelor's degree in Electrical Engineering from the University of Illinois and a Master's in Electrical Engineering from the University of Southern California. He is a retired Aerospace Engineer and Scientist. He was at the hearing representing Ms. Trotter on March 4, 2021.

Mr. Peck objected and said Mr. Simon needs to move on to his next point. Mr. Simon said he wants to make an offer of proof to the testimony. Chairman Loper ruled this is hear say.

Mr. Lind said he recalls at the hearing Mr. Peck questioned Mr. Hart after he testified. Mr. Lind said he couldn't hear Mr. Peck's questions very well and he was not allowed to ask any questions because he was told this was a hearing and not a trial.

Mr. Peck asked Mr. Lind to identify where in the transcript he was denied a chance to question Mr. Hart. Mr. Lind asked what transcript. Mr. Peck asked if he had the transcript or recording to back up his statement. Mr. Lind says he does not have a copy of the transcript.

Chairman Loper said a lot of what was discussed had little to do with procedure, unless he missed something that should be considered part of the procedure.

Mr. Hart said we included the copies of the notices and the summons with the certified mail card, and Mr. Lind did show up at the hearing and presented testimony. Staff believes all the proper procedures were followed. He asked the board to affirm the hearing officer's decision.

Mr. Peck said the first procedural error given was they weren't permitted to question Mr. Hart which is a false statement. After questioning during the hearing the matter was turned over to Mr. Lind who had the opportunity to question Mr. Hart and he elected not to. He went into a monologue instead and at no point was he advised this was a hearing not a trial. That was something Mr. Merkow told him in a different context. We listened to the hearing recording and at no point was he denied the right to question Mr. Hart, he chose not to do so.

Mr. Peck said the only question is whether there was a procedural defect. Whether or not the decision of Mr. Merkow was correct or not is not for the Board to determine. If the directive was specific to Ms. Trotter, then it was an interpretation of the ordinance. Staff feels the decision of the hearing officer needs to be affirmed.

Member Schwartz asked for the steps and procedures of the compliance process. Mr. Peck said your jurisdiction is to determine if there was a procedural error at the hearing before the hearing officer. You do not visit the inspections or complaint or anything that brought this to the hearing officer. If there are issues with that, those need to be raised with the hearing officer. Your jurisdiction is limited to what may have occurred before the hearing officer and the only one raised was Mr. Lind was not permitted to question Mr. Hart.

Member Cardon said he heard three arguments for procedural error, the first one was ex parte communication, but Mr. Peck identified it was not during the hearing so it's not within our purview to review. Second, Mr. Lind not allowed to question Mr. Hart and in his review of the record he didn't see where Mr. Lind was given the opportunity to question Mr. Hart. Maybe some clarification from the record to solidify that point that it was not a procedural error. Third, was an added violation that was not originally charged. He is unsure if that would potentially be a procedural error. Mr. Peck said the ex parte communication never happened, and it is outside the hearing that was held in front of the hearing officer according to Mr. Lind's testimony. If you listen to the transcript Mr. Merkow turns to Mr. Lind and says it's your turn and at one point says this is the time you ask questions not make presentations, but Mr. Lind chose to go on and make his presentation. The violation was only based on the requirements of Article 11.2.4.1 which deals

with the lighting, he never addressed anything under Article 6. The decision was based on the article in the summons.

Member Cardon asked if the respondent wants to continue with these allegations would the next step be to go to court if no relief here? Mr. Peck said they are permitted by statute to appeal through Superior Court, and they must file a notice of appeal within 35 days of the decision of this Board.

BOARD ACTION: Member Cardon motioned to affirm the Hearing Officer's Order of Judgment. Member Personne second. Affirmed 5-0.

V202001428 **Code Compliance Review (Cont. from 6/24/21)**
Respondent: David A. Franson
Location: 218-40-128, 201 N. 88th Place, Mesa, AZ
Request: Appeal of the Hearing Officer's Order of Judgment

Mr. Hart said he has not heard from the respondent since the original appeal. Chairman Loper said he is inclined to continue this in order to contact the respondent.

BOARD ACTION: Vice Chair Ward motioned for an indefinite continuance. Member Cardon second. Continued 5-0.

REGULAR AGENDA

BA2021009 **Jackson Property (Cont. from 6/24/21)** **District 3**
Applicant: Kevin Jackson
Location: APN 211-54-023P @ 35902 N. 11th Ave. Phoenix 85086 – 11th Ave. & Galvin St. in the Phoenix area
Requests: Variance to permit:
 1) Front setback of 25' where 40' is the minimum permitted per MCZO Article 503.4 and;
 2) Street-side setback of 30' where 40' would be the calculated setback including a 20' easement plus the 20' minimum street side setback per MCZO Article 503.4

Mr. Gerard presented BA2021009 and noted this case has been heard and continued two other times. There is no new information provided and there are two letters in opposition. The request does not meet the statutory test and the applicant failed to demonstrate there is a peculiar condition facing the property. Staff acknowledges the limitations on the site, but those are not peculiar and there seems to be adequate space in at least two locations on the property.

Mr. Kevin Jackson, the applicant said he would like this building to go in on the most useful spot on the property, he is also taking into consideration the adjacent neighbors. They have a septic leach pit and he had a plumber come and confirm the location 15 feet away from where he is proposing to place the building. They increased the setbacks, and it is not a side street it is a dirt lane and a barb wire fence in the middle of it. He purchased this property with his elderly parents so they can combine their households. He is self-employed and it was in their best interest to combine everything. This building will be used a storage building for his things. If they were to

put this building 40 feet from the south side it would pretty much block the entire front of the house. He already purchased the building and he is out a lot of money, and it's just been sitting there. He doesn't want the building so close to the house and not in front of their line of site in the view of their courtyard. He has no room in the back because of the wash and the well easement. He was trying to avoid the north side of the property because he would be too close the neighbor's bedroom. They picked the best place with the least amount of impact to the area.

Member Personne asked is the building already manufactured and in those dimensions. Mr. Jackson said yes, he purchased the building in October of 2020 and it is on the property.

Member Personne asked could they rotate it 90 degrees where you can still leave it in that location and not conflict with the septic and perhaps meet the setbacks. Mr. Jackson said he believes he submitted that before but it was going to be too close to the septic. He had the building designed to fit with the large RV door facing the west side so he can drive the RV into the driveway and back it up into the building. He is trying to make this a nice property.

Member Personne asked about the accessory building on the neighbor's property to the south. Mr. Jackson said it is a metal accessory building similar to his but not as big. There are a ton of properties around here with the same type of thing and some are even five feet away from the street.

Member Schwartz said the applicant should consider the building in the back of the lot because with his math it fits within the setback lines and in the same configuration to move to the rear yard. Mr. Jackson said there is a 10 foot easement all the way around that back side along with the well and the wash. Member Schwartz you are crossing the wash for other things with the other vehicles parked there. It is the path of least resistance to put it in a location that doesn't require a variance. Mr. Jackson said there isn't enough room back there it would be so tight and he wouldn't be able to access one of the doors. Plus if it's moved to the back, the front yard will then be his storage and the RV or trailer will sit out front. We are trying to make this the best use of our land and avoid any conflicts with the neighbors.

Member Personne said she appreciates him trying to move this from the original submittal, and asked if could work with staff one more time to see if there is a way to move this any further. Mr. Jackson said this delay has already cost him \$10,000 with the prices of materials and concrete increasing, and storage costs.

Mr. Gerard said it is staffs constant opinion this building can be placed in the northwest quadrant of the property between the well easement and the wash without needing a variance. The setbacks are different from lot to lot.

Mr. Jackson said he wished they could come out and walk the property, because the property isn't like that when you are on the ground. The aerial pictures are deceiving, when you put a tape measure on it, it shrinks in half.

Member Schwartz said we have a certain set of guidelines to approve a variance and none of them include negotiating what setbacks can or can't be. You need to minimize the impacts or not file for the variance. He is inclined to deny this request. Mr. Jackson said he is not sure what else he can discuss. It was his understanding he had the ability to apply for a variance, and for

the board to take his circumstances into consideration. He understands why these rules are in place and he wants his property to look nice.

Chairman Loper said we are bound to hardship criteria established by statute in the zoning ordinance. These things are hardships to you, but they need to qualify under the ordinance or other options mentioned by staff.

Chairman Loper asked if there wasn't the easement that created the corner lot then the variance wouldn't be required. Mr. Gerard said this property has two frontages and by ordinance definition the narrowest frontage is considered the front for setback purposes, it doesn't matter how you orient the house. The only way he can build this is with a variance, unless it is built in the northwest quadrant.

Chairman Loper said according to the aerial there is significant vegetation and a culvert in the back, and asked if this is a significant wash. Mr. Gerard said it is a wash where you can see a sandy bottom in the aerial and throughout the length you can see vegetation. He has a foot bridge and there appears to be a culvert. There could be floodplain along the wash but it's not a floodplain that prevents building, and it may require engineering.

Mr. Jackson said he thought there is a 20 foot setback on a wash and the 10 foot well easement are the reasons he didn't put it back there and it is a small area. Mr. Gerard said the building and wash would be an engineering matter.

Mr. Jackson asked if they have a setback number that would be acceptable.

Member Cardon said the wash and the well easement with significant limitation could be a peculiar condition, and the septic field in the front on the east side is also peculiar. He would be persuaded to grant the variance of 25 feet on the front yard setback and 30 feet on the street side yard setback.

Member Schwartz said we don't know the language of what the easement says and usually easements restrict you to what goes on in those areas. He could find another place in the front yard or look at the backyard. There is a question between the validity of aesthetics and where it looks best. He doesn't see a peculiar condition on the property. We have all tried giving him options, but there has to be a reason for us to grant this variance.

Vice Chair Ward said if the new driveway isn't already there couldn't he attach this to the existing garage? It would be far away from the septic and it would meet all the easements. Mr. Jackson said he wouldn't attach it to the garage since it is an adobe style home. He has tried all these different scenarios, but he believes if it was rotated 90 degrees it would be right on top of his septic tank. Mr. Gerard said there is no way for him to place this in the southeast quadrant without a variance.

Mr. Jackson said if he could go back in time he would choose a different size building that would work more in favor of the setbacks or even fit in the back as suggested. He has had difficulty finding someone to draw plans without spending a ton of money. If he had bought a 30' x 70' building he probably wouldn't have needed this variance.

Member Personne says she agrees we are bound by certain requirements. The original plan that was just shared by staff only needs a variance on one side, and then you moved it as far as you can. She feels more comfortable with this option since it is an improvement. Mr. Jackson said the original plan had issues because the property lines weren't quite correct and he's not sure if that reflects where it needs to be.

Member Personne said it is not productive for us to keep hashing out these different scenarios, maybe this should be continued for a month to give them time to work this out, or an approval on the original request.

Chairman Loper said it would be best if this was a site plan that was agreed to and to minimize the variances by working with staff. Mr. Gerard said staff's recommendation will remain and would not change with any further continuance. This does not meet the statutory test and should be denied since the building can be located in the northwest quadrant.

Mr. Peck said if this is going to be a motion to approve something different, the board would have to vote to amend the application. Right now the application is for a specific relief and the applicant would have to request an amendment to the application before this could be an option.

Mr. Gerard said what is before the board today is two variance requests. On the east, a front setback of 25' where 40' is required, and the south is a street side setback of 30' where 40' is required and that includes the 20' easement.

BOARD ACTION: Member Schwartz motioned to continue BA2021009 to August 15. Member Personne second. Continued 3-2.

Member Schwartz left the hearing.

BA2021020	Wood Property (Cont. from 6/24/21)	District 2
Applicants:	George and Marine Wood	
Location:	APN 211-44-232 approx. 236' southwest of the southwest corner of 57th St. and Peak View Rd.	
Requests:	Variance to permit: <ul style="list-style-type: none">1) Accessory structures outside the platted building envelope where no structures are permitted, and;2) Block wall outside of the platted building envelope where only post, rail or a type of fencing that is non-obstructive to drainage are permitted per the Rural-43 RUPD zoning district.	

Ms. Applegate presented BA2021020 and noted there is a single-family residence and three accessory structures which includes two sheds and one corral to be removed from the property. The owner has a permit in process for a 30' x 30' detached garage to be constructed at the northwest corner of the site. The subdivision with the platted building envelope was established for the drainage patterns for the Vista Norte subdivision. The applicants request for an accessory structure outside the building envelope would allow the 144 square foot accessory structure along the northern property line which is currently setback six feet from the property line, and a new garage to be setback 10.6 feet from the north and 11.9 feet from the west to be located

outside the building envelope. The second request is to allow the existing block wall constructed outside the building envelope to be approved by the Board. The wall along the southern property line was constructed within the three foot public utility easement. There are two structures considered legal non-confirming, a 150 square foot storage building along the west property line currently setback two feet from the rear and the house also encroaches outside the building envelope along the eastern region. Both of these would be considered legal non-confirming due to construction prior to 2000. Staff provided three handouts with support and opposition, and received six e-mails in support of the variance and two e-mails received in opposition stating non-compliance with the Vista Norte HOA CC&R's indicating this would obstruct views and washes, and could cause water damage to other properties. Staff does not review or enforce CC&R's. Staff determined the applicant has failed to demonstrate undue physical hardship prevents development of the property. Granting a variance for buildings outside the building envelope may create hardships with drainage on other properties. The recorded final plat indicates no structures permitted outside the building envelope was available for review prior to purchase of the property in 2019.

Mr. George Wood, the applicant said there is a wash cutting through the northwest portion of the property and another on the southeast portion of the property. Together this prompted an odd shape and limited the building envelope, which is less than 11,000 square feet on a nearly 39,000 square foot property. He is restricted on building less than a third of his lot. His original intent when purchasing the property was to build a detached garage in the back of the property. During the plan review process he was told he was not able to build outside the building envelope. If he looked at the recorded plat prior to purchase he would have seen it said no obstructions of any kind may be placed within the drainage ways outside the building envelope. He would not have known all buildings will be within the building envelope as shown on the plat. He is not looking to build a tall RV garage just a standard 10 foot high garage and a 10 foot setback from the property lines. The block wall is not obstructive to drainage. It has flood vents at regular intervals along its length and 351 square inch openings where the wash enters the yard, and 368 square inch opening where the wash exists the property. It was enough to satisfy Flood Control years ago. The block wall appears it was built around 1998. Flood Control has considered removing this from the 100-year flood plain. He knows the flood plain status doesn't change the zoning ordinance but it seems like it could affect the interpretation.

Mr. Steve Boschen said he lives in the Vista Norte Subdivision. The applicant is improving his residence and the neighborhood by removing an existing ugly mare motel in the front yard, and to build a nice garage in the back. The building envelope on the plat was very restrictive and this is a peculiar building envelope. The drainage is not impacted and the intent of the zoning ordinance is still upheld. He doesn't think it is practical to remove any walls. He supports moving forward with the variances on this property.

Ms. Danielle Wood said she lives a few miles down the road from this property. Most of the parcels in this community have building envelopes that allow development of the majority of their property, and this one does not. The plat map only says no obstruction can be placed in drainage ways outside the building envelope. With the new drainage plan that was submitted the requirements will be met. In a memo from Drainage and Flood Control has no objection. The zoning ordinance provides the protection, character and stability of residential areas. She requests approval of this variance.

Chairman Loper asked if anyone else from the public wished to speak on this case. None.

Member Cardon said he appreciates what was identified as a peculiar condition including the building envelope and the improvement of the property by granting this variance.

BOARD ACTION: Member Cardon motioned to approve BA2021020 with conditions 'a'-'d'. Vice Chair Ward second. Approved 4-0.

- a) Variance approval establishes that a 900 square foot garage to be permitted outside of the platted building envelope for APN 211-44-232 with a 10' setback from the north property line.
- b) Variance approval establishes that a 144 square foot storage building to be permitted outside of the platted building envelope for APN 211-44-232 with a 6' setback from the north property line.
- c) Variance approval establishes that the existing block wall to be permitted outside of the platted building envelope for APN 211-44-232 except that the property owner shall remove the block wall encroachment in the 3' public utility easement along the south property boundary line within 6 months of BA2021020.
- d) Variance approval memorializes that the existing house shall be considered a legal non-conforming structure encroaching outside the platted building envelope; and that the existing 150 square foot storage building with a 2' setback from the west property line shall be considered a legal non-conforming structure encroaching outside the platted building envelope in substantial conformance with the site plan dated May 21, 2021 and stamped received May 29, 2021.

BA2021023

Lybarger Property

District 4

Applicant:

Jennifer R. Garver

Location:

APN 502-14-044 @ 17508 W. Orangewood Ave., Waddell, AZ 85355 – NWC of Orangewood Ave. and 175th Ave. in the Waddell area

Request:

Variance to permit:

- 1) Proposed street-side (south) setback of 29-feet where 40-feet is the minimum permitted per MCZO Article 503.4.c.

Ms. Applegate presented BA2021023 and noted the request is for an existing 64' x 48' mare motel canopy, 3,049 square feet located within the street side setback. Based on the aerial photographs it was constructed in 2006. The owner filed for a building permit for new construction for a garage and was notified of the setback issue with the mare motel. Staff determined the applicant has failed to demonstrate there is a peculiar condition facing the property because there is significant space available on the western side of the property. The applicant has not demonstrated this creates an undue physical hardship that prevents development of the property because the land is relatively unremarkable in shape and topography. The structure could be relocated in the building envelope and in the required rear or side yard of the property. The canopy structure was erected without a permit.

Ms. Jennifer Garver, the applicant's representative said during the process of getting the garage permit it was brought to their attention the zoning could not be permitted because of the existing mare motel constructed back in 2007. There was a lot of research done by the land surveyor and civil engineers to correctly establish the property line of this plat. Orangewood Road is actually

part of Mr. Lybargers property. The property to the south and Mr. Lybarger has each given part of their property to Orangewood Avenue, it used to be the ditch access road. The 20 foot building setback starts after that 20-foot easement. When he built the canopy back in 2007 he was under the impression he went through the proper channels by getting it approved through the HOA, which was the understanding it was in line with Maricopa County setback requirements, and he was given the approval for the mare motel. Based on the fact it was existing for quite some time and it doesn't present any hardship for the surrounding residents the variance should be granted. This mare motel houses his horses and to relocate it would be a financial hardship.

Member Cardon asked is the current mare motel 20 feet from the middle of Orangewood Avenue? Ms. Garver said no, it's 29 feet. This property is very long and very narrow and he granted access to everyone's property off of Orangewood Avenue. That is 40 feet along 648 feet, so it is almost 26,000 square feet of his property he cannot use.

Chairman Loper asked if anyone else from the public wished to speak on this case. None.

BOARD ACTION: Member Cardon motioned to approve BA2021023 with condition 'a'. Vice Chair Ward second. Approved 4-0.

- a) Variance approval establishes an 11' south setback line for APN 502-14-044.

Adjournment: Chairman Loper adjourned the meeting of July 15, 2021 at 12:15 p.m.

Prepared by Rosalie Pinney
Recording Secretary
July 15, 2021